

Alaska Citizens Militia

(An unorganized, well-regulated, and independent Citizens militia)

1. PURPOSE:

To set forth the historical and Constitutional basis for the establishment of the Alaska Citizens Militia; to explain its mission and goals; its uniqueness as the final defense against tyrannical government at all levels; and to suggest an organizational structure.

"A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." Amendment 2 to the United States Constitution

"A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State." The Alaska Constitution, Article 1 - Declaration of Rights, Para 19.

2. BACKGROUND AND HISTORY:

There has been debate over what the militia is and who controls it. Some believe it is the Alaska State Defense Force (ASDF), others say it's the National Guard. Still others that it is only part of the Guard. Most people just don't know. Much of the debate is focused on the individual citizen's right to keep and bear arms. When history is reviewed, it becomes clear what the militia is and what the Second Amendment means and why it was felt to be so important that it was added as an unalienable right.

During colonial days the militia was more or less controlled by each colony. Outside the colonies, people formed militia for their common defense. Normally, the militia was comprised of all able-bodied men between the ages of 17-45. All were required to have their own musket, ball, powder, flint, and knapsack. In 1792 Congress passed a statute to establish, "An uniform militia throughout the United States." It detailed every able-bodied male citizen between the ages of 18 and 45 be enrolled therein and to equip him with appropriate weaponry. However, this statute was repealed in 1901 when Theodore Roosevelt declared, "Our militia law is obsolete and worthless." The reason for this action was that it was poorly equipped and trained. Simply stated, not enough had been done to organize a nationwide militia.

In 1903 the Dick Act was passed by Congress. This act divided the class of able-bodied male citizens between the ages of 18 and 45 into an "organized militia" to be known as the National Guard of the several states and the remainder to be described as the Reserve Militia which later statutes have defined as the "unorganized militia." Alaska's National Guard was established in 1940-41.

Congress then decided to federalize the National Guard. The National Defense Act of June 3, 1916, 39 Stat. 166, provided in part: "That the Army of the United States shall consist of the Regular Army, the Volunteer Army, the Officers' Reserve Corps, the Enlisted Reserve Corps, the National Guard while in the service of the United States, and such other land forces as are now or may hereafter be authorized by law." Today, as America fights its wars, all National Guards have been committed to the total control of the President. The only force that cannot be assimilated into the Federal military is the ASDF, which is the successor of the Alaska Territorial Guard founded during World War II. After the war ended and Alaska became a state in 1959, the Territorial Guard was disbanded but was replaced by the Alaska State Guard established by state statute. Later the Alaska State Guard was renamed the ASDF.

The mission of the ASDF is to maintain an organized, trained military force capable of timely and effective response to state emergencies, or on other occasions deemed appropriate by the Governor, to provide military assistance to civil and military authorities in the preservation of life, property, and public safety.

Alaska's constitution declares every able-bodied man from age 18 to 70 to be a member of the state militia. The ASDF is constituted as a cadre of experienced officers and enlisted personnel which is ready to organize the entire population, if need be. They are currently made up largely of military police units. The units operate with mostly state certified constables under the

Alaska Police Standards Council. By statute, the ASDF must be made up of no less than 75 percent former military personnel.

The ASDF has conducted joint operations with local city and state agencies as well as Federal entities, including the U.S. military, the FBI, United States Department of Homeland Security, and the BATFE. Some reluctance to activate ASDF units originates from liabilities associated with use of firearms by persons who may not have passed psych exams, or other standards to law enforcement minimum requirements. To avoid such liability, many states have granted immunity to state guards when activated. (Google: organized militia immunities). In other words, members of the ASDF will not be held responsible for their actions when serving the Governor.

Unlike most of the state defense forces in the United States, the soldiers train and certify with firearms, showing proficiency to carry firearms when activated. (Source: Alaska State Defense Force in Wikipedia)

Is the ASDF the unorganized militia spoken of in the 2nd Amendment? Consider: The Military Code of Alaska, AS 26.05.010 – 26.05.350, provides the state statutory scheme governing the operation of the ASDF. The ASDF is established under AS 26.05.010 as part of Alaska's "organized militia." The organized militia in Alaska consists of the Alaska National Guard, the Alaska Naval Militia, and the Alaska State Militia (the ASDF)

Alaska Statute 26.05.070 outlines the circumstances which may trigger the governor's use of the organized militia – which, as noted above, includes the ASM. Under AS 26.05.070, the Governor may order the organized militia into active state service when needed in the case of events such as war, disaster, catastrophe, riots, etc. or when responsible civil authorities fail to preserve law and order or protect life and property, or the governor believes such failure is imminent. See AS 26.05.070.

If called into active service, the ASDF, like other parts of the organized militia, functions as an additional police force retaining its separate identity and operating as a military organization under separate command. The ASDF cooperates with, but does not supersede, civilian law enforcement.

They are "to execute the laws and to perform duties in connection with them that the governor considers proper" and can take action ". . . for the reestablishment of law and order and for the protection of life and property." AS 26.05.070. For example, ASDF personnel assisted in search and rescue after a recent avalanche. (Source MEMORANDUM State of Alaska Department of Law TO: BG Phillip E. Oates DATE: July 7, 1999 Commissioner, DMVA FILE NO: 661-99-0228 SUBJECT: ASDF Pay Authorization)

Further information regarding The ASDF:

According to Alaska Law (Sec. 26.05.070.) The Governor may order organized militia into active service. In the event of war, disaster, insurrection, rebellion, tumult, catastrophe, invasion, or riot; or if a mob or body of men act together by force with intent to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws of the state, or the United States; or in the case of imminent danger of the occurrence of any of these events; or whenever responsible civil authorities fail to preserve law and order, or protect life and property, or the governor believes that failure is imminent, the governor may order the organized militia or any part of it, into active state service to execute the laws and to perform duties in connection with them that the governor considers proper. **Whenever any portion of the militia is ordered into active service by the governor, it becomes an additional police force, retaining its separate entity and operating at all times as a military organization under military command, with power to cooperate with but not to supersede the existing civilian law enforcement officers whenever possible, for the re-establishment of law and order and for the protection of life and property.** The governor may also order members of the organized militia to active state service, with their consent, for the purpose of training or for full-time duty with the office of the adjutant general. (Emphasis added.)

These statutes authorize the adoption of regulations addressing qualifications to serve in the ASDF and discipline and training of ASDF personnel. AS 26.05.030(d) and AS 26.05.100. No regulations have been adopted under the Administrative Procedures Act, although DMVA has adopted internal procedures for operations and training of ASDF personnel. **These include provisions for training required for ASDF personnel carrying out military police functions, including training in criminal procedure, criminal law, criminal investigation, laws of arrest and search and seizure, crowd and riot control, and firearms training.** ASDF Pamphlet 350-1 (April 24, 1999). (Emphasis added)

Therefore, if Congress has expressly established the identity of the organized militias as the United States Armed Forces, and Alaska has established two organized militias, e.g. The Alaska National Guard and the ASDF, what then is the unorganized militia of the United States? The militia is defined as: **militia** (n. military service, soldiery, a soldier) 1. a) originally, any military force; b) later any army composed of citizens rather than professional soldiers, called out in time of emergency. 2. in the

United States, all able-bodied male citizens between 18 and 45-years-old who are not already members of the regular armed forces: members of the National Guard, organized Reserve Corps (army and air) and the Naval and Marine Reserve constitute the organized militia; all others, the unorganized militia. (Webster's New World Dictionary, 1968)

Has the definition changed? If it has, and the Federal Government has denied the citizens the right to be part of an unorganized civilian militia, then we are in grave danger in our country. Congress has never repealed the National Defense Act which made the National Guard and its Reserve Forces part of the Federal Army. The question then is this: "Where is the unorganized militia today"?

It is important to understand that the US Military belongs to the Federal Government as part of the Executive Branch. The Alaska National Guard also belongs to the Federal Government. That's why it is called the "National" Guard. The ASDF belongs to the State Governor, but may be used to augment federal agencies here in Alaska. All of these organized militia groups are controlled by various levels of either federal or state governments. What would free people do if the Governor declares martial law, the confiscation of firearms, and suspends the Bill of Rights?

It is our understanding that the Alaska Citizens Militia constitutes and fulfills the roll of the militia spoken of in the 2nd Amendment. We are the last line in the sand to protect our God-given rights.

It should be clear by now that the National Guard and the ASDF constitute the organized militia of the State of Alaska and stand ready to serve the governor on a state level or the President (as is presently the case since the National Defense Act is still in force). So much a part of the state and federal government has the Alaska organized militia become, that, according to the law in nearly every state: "no member of the organized militia in active state service or in the service of the United States shall be liable civilly or criminally for any act or acts done by him in the performance of his duty." (Source: Google "organized militia immunities") Under such law, the federal government or the governor of Alaska can order members of the organized militias to violate the law with blanket immunity as long as they are acting under orders.

The specter of this immunity is horrifying if a Waco-like event were to take place in Alaska. Soldiers of the state, National Guard or ASDFs, knowing that they are immune from prosecution may themselves act to deny others of protection under the law and to suspend any and all Constitutional rights. One can only imagine the prospect of being attacked by soldiers of the state who are absolutely "untouchable" and cannot be made to answer for their actions.

What protection do the citizens of Alaska have as long as such immunities provide this possibility? What force exists to prevent the state or federal government from denying the citizens of their rights under the Constitution? In simple terms, "What force exists to prevent a state or federally orchestrated massacre like the one in Waco from occurring in Alaska?"

Can it be contested that the organized militia at all levels belongs to the government? It should be clear by now that ALL militia agencies established either by the federal government or the state constitute the ORGANIZED militia because they are organized by and for the established government. Since this is true, there exists no standing force able to keep the state's forces at bay should they desire to move against the citizens. Do we believe those patriot citizen soldiers at Lexington and Concord were part of the organized government at that time? Of course not! It was clear to the early patriots that the militia was independent of the organized government and made up of people who stood ready to repel a tyrannical government from denying their liberty under natural law and reflected later in the Constitution. It is equally clear to the members of the Alaska Citizens Militia today. Furthermore, the founders of our government believed that power should remain in the hands of the people to stop the usurpation of power by government. For this expressed reason they believed in the militia system where all citizens should keep and bear arms.

Like it or not, the only reason a civilian, or "unorganized," militia exists is to keep government in check in order that the government may remain in the hands of the people. Patrick Henry, the principle supporter of the Bill of Rights, set forth this resolve at the Second Virginia Convention, March 23, 1775, when he said,

"Resolved, that a well-regulated militia, composed of gentlemen and yeomen, is the natural strength and only security of a free government; that such a militia in this colony would for ever render it unnecessary for the mother-country to keep among us, for the purpose of our defence, any standing army of mercenary soldier, always subversive of the quiet, and dangerous to the liberties of the people, and would obviate the pretext of taxing us for their support.

"That the establishment of such militia is, at this time, peculiarly necessary, by the state of our laws, for the protection and defence of the country, some of which are already expired, and others will shortly be so: and that the known remissness of government in calling us together in legislative capacity, renders it too insecure, in this time of danger and distress, to rely that

opportunity will be given of renewing them, in general assembly, or making any provision to secure our inestimable rights and liberties, from those further violations with which they are threatened."

"Resolved, therefore, That this colony be immediately put into a state of defence, and that be a committee to prepare a plan for embodying, arming, and disciplining such a number of men, as may be sufficient for that purpose."

The precedent for the Alaska Citizens Militia has been set by others many generations ago. Therefore, it is to us, the inheritors of the task begun more than two centuries ago, to seek and to secure these same ideals in the face of the same threats expressed by Patrick Henry. To wit, that the organized government, having removed itself from the citizens, inter se, had intended to dissolve the rights and liberties of free people. The events in Waco, Texas, in 1993 and the on-going attack on our God-given rights by a rapidly growing central government are clear evidence of the clear and present danger. It then becomes very clear why they wrote,

"We the People...."

To that end, the mission of the Alaska Citizens Militia is hereby set forth.

3. MISSION:

To defend the Constitution of the United States of America. To uphold and to defend the Bill of Rights, seen as unalienable, given by God to free men that they may remain free. To insure that all citizens regardless of race, color, religion, sex, physical characteristics, or national origin shall have the right and opportunity to due process of law as established and guaranteed by the Great Documents which guide this Great Nation.

4. GOALS:

It shall be the goal of the Alaska Citizens Militia to:

- 1) Present itself to the citizens of this region as a well-regulated, well-trained, well-equipped, and knowledgeable militia unit comprised of ordinary citizens rather than professional soldiers.
- 2) Establish a cohesive command structure able to inform, instruct and to task as need arises.
- 3) Train its members in the many disciplines necessary to the function of militia as a whole, and as members individually.
- 4) Educate its members in areas of history, law, and principle from knowledge imparted from this country's historical record and from the Bible, which has been the greatest single guiding influence for all great nations desiring to be free.
- 5) Inform its members of local, national, and global events imperiling the Constitution and impacting the direction of the country.
- 6) Encourage its members to stand against tyranny, globalism, moral relativism, humanism, and the New World Order threatening to undermine our form of government and these United States

of America.

7) Uphold the pure constitutional rule of law whereby all citizens have the right to trial by a jury of their peers in a court of law.

8) Seek the protection, wisdom, and leadership of Almighty God as we submit to Him to do His will in protecting the liberty and freedom He has given to all Americans.

5. ORGANIZATIONAL STRUCTURE:

Due to the distances between population centers, a logical division of ACM assets would be the Fairbanks division, the Anchorage division, and the Kenai Peninsula division. Each division should organize within its geographic area allowing easy access to meetings by its members. The willingness of ACM members to share resources and intelligence will promote an alliance with other divisions. Because Alaska is so vast, ACM members must create the best organization within each division. As the ACM grows, other divisions may be added. The key is not a top down authoritative organizational structure, but rather an alliance of militia groups all supporting the same values and objectives.

In order to achieve the goals listed in Para 4. above, a workable organizational structure of some type should be created. Prudence should be exercised in selecting those in leadership capacities. Integrity, honesty, comprehension of both history and current events, skills, experience, and clear thinking under pressure are but a few of the qualities leaders must have. No person should ever be elected by the group simply because of some earlier awarded rank or standing.

Some smaller units may opt to be loosely organized and endorse a Command Communication system whereas others may want a more disciplined structure on the order of a military Command Control Communication system.

Even in those colonial militias, there were skilled people chosen for leadership and training. Therefore, regardless of the style of leadership, each element should create a structure necessary to perform the mission of the Alaska Citizens Militia as a whole. At the very least, the unit should elect a commander who will then select a competent support staff for the purpose of delegated authority in areas of intelligence, operations, public relations/propaganda, spiritual leadership, and chief of staff duties to coordinate the activities of those in the unit.

The primary weapon of the brigade member shall be the rifle. It shall be required of all militia members not otherwise opposed for conscience sake, to have his own rifle, ammunition, and knapsack. Militia members are required to remain proficient in the maintenance and safe operation of the rifle and to have at least 100 rounds of ammunition available at all times. The militia member's knapsack shall consist of necessary items to be determined, based on the member's assignment. The knapsack, thus outfitted will be kept available at all times for rapid deployment by the militia member. All members are also encouraged to keep and bear a handgun.

Militia members are normally expected to carry military style firearms when attending to militia

duties. Only in self defense shall a militia member discharge his rifle except when ordered to do so. As with members of organized military units within Alaska, militia members are expected to abide by all hunting rules and regulations pertaining to the use of appropriate firearms for that purpose.

All militia members will be required to take the oath found in this manual, to uphold the Constitution of the United States and to protect it from all enemies.

While it is intended that the militia intrude as little as possible in the private lives of its members, it is also clear that individual members are volunteers and must be ready to meet periodically and to deploy as the need arises. It shall be the objective of the staff to infringe as little as possible on the time of militia members, recognizing their responsibilities to their families and jobs.

Militia members are encouraged to live exemplary lives. Blatant violation of law places the legitimacy of the local unit and the Alaska Citizens Militia as a whole at risk. Just one member can jeopardize the Citizens militia by illegal acts when those wishing to discredit us look for such opportunity. Therefore, in order to protect the body as a whole, militia members shall be subject to discipline by their peers. Should an incident arise the leader shall select six members by lot to hear the facts of the case before it. Members may stand trial by their peers for such acts that would discredit the Alaska Citizens Militia or place the member's unit at risk. The accused will stand in his own defense. No charge will be brought to the trial unless supported by at least two witnesses. A simple majority of jury votes shall constitute guilt or innocence. The maximum penalty able to be rendered for any offense shall be permanent dismissal from the militia. After counsel and prayer, the convened jury of peers shall vote on appropriate action. Any militia member may voluntarily withdraw from the militia at any time without prejudice for conscience sake. In such case, all issued equipment must be returned for conscience sake. It should be emphasized that misbehavior or wrongful acts must be handled with great wisdom and mercy.

It shall also be the right of each militia member to appeal to authority within the direct chain of command regarding grievances. In every case however, the militia member is expected to follow the order or directive first and make his appeal afterward. If a militia member for conscience sake, feels impelled to disobey, he should immediately withdraw from the militia without prejudice.

6. ASSEMBLY MEETINGS:

Periodic musters and assemblies are necessary and shall be called to achieve the overall goals of the militia unit. Members must discipline themselves to set aside the second Saturday of each month (or otherwise by agreement) for assembly. Militia members shall be notified of assembly times and places.

All militia members are expected to provide information about themselves in order to best utilize their skills and experience.

Under no circumstances are militia members to discredit the ACM by pressuring people to join or to contribute material or financial support. All material and financial contributions shall be accepted with the clear understanding that the unalienable rights of all shall be protected without qualification.

7. OATH OF THE MILITIA MEMBER:

"I, (Name) , do solemnly swear that I will support and defend the Constitution of the United States against all enemies, both foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without mental reservation or purpose of evasion; and that I will obey the orders of those appointed over me, for conscience sake; So Help Me God.

8. CODE OF CONDUCT FOR MEMBERS OF THE MILITIA

- 1) I am an American serving with the unorganized civilian militia which guard my homeland, our Constitution, and our way of life. I am prepared to give my life in their defense.
- 2) I will never surrender of my own free will. If in command I will never surrender the members of my command while they have the means to resist.
- 3) If I am captured I will continue to resist by all means possible. I will make every effort to escape and aid others to escape. I will accept neither parole nor special favors from the enemy.
- 4) If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information or take part in any action which might be harmful to my comrades. If I am senior, I will take command. If not I will obey the lawful orders of those appointed over me and will back them up in every way.
- 5) When questioned, should I become a prisoner of war, I am bound to give only name, rank, and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my beloved homeland and its citizens or harmful to their continued struggle for liberty and freedom as prescribed in the Constitution of the United States.
- 6) In all cases, I shall endeavor to instruct and to inform members of organized militia units, seeking to persuade them to join the Patriot struggle; urging them for justice and conscience sake to return America to the Constitutional Republic our forefathers envisioned.
- 7) I will never forget that I am an American, a citizen of the greatest nation on earth, fighting for freedom, responsible for my actions, and dedicated to the principles which made my country free. I will place my trust in Almighty God, the United States of America, and the goodness of the her people.

9. A PRAYER FOR THE MILITIA:

O God, our Father, Thou Searcher of men's hearts, help us to draw near to Thee in sincerity and

truth. May our personal faith in Thee be filled with gladness and may our worship of Thee be natural and pure.

Strengthen and increase our admiration for honest dealing and clean thinking, and suffer not our hatred of hypocrisy and pretense ever to diminish. Encourage us in our endeavor to live above the common level of life. Make us to choose the harder right instead of the easier wrong, and never to be content with a half truth when the whole can be won. Endow us with courage that is born of loyalty to all that is noble, honorable, and worthy; that scorns to compromise with vice and injustice and knows no fear when truth and right are in jeopardy. Guard us against flippancy and irreverence in the sacred things of life. Grant us new ties of friendship and new opportunities of service. Kindle our hearts in fellowship with those of a cheerful countenance, and soften our hearts with sympathy for those who sorrow and suffer. Help us to maintain the honor of the Alaska Citizens Militia, untarnished and unsullied, and to show forth in our lives the ideals of this nation's Constitution in doing our duty to Thee and to our fellow citizens. All of which we humbly ask in the Name of our Lord, our Great Friend and Defender, and the Master of men. --- Amen

Official

Alaska Citizens Militia

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